

BEING 17.972 ACRES OF LAND OUT OF SURVEY NUMBER 173, W.H. HUGHES, ABSTRACT NUMBER 340, COUNTY BLOCK NUMBER 4707 IN BEXAR COUNTY, TEXAS. SAID 17.972 ACRE OF LAND ALSO BEING ALL OF A 6.999 ACRE TRACT OF LAND DESCRIBED IN A DEED TO JERRY S. HICKS, ET UX, RECORDED IN VOLUME 7284, PAGE 0115, ALL OF A 5.245 ACRE TRACT OF LAND DESCRIBED IN A DEED TO JERRY S. HICKS, ET UX, RECORDED IN VOLUME 7285, PAGE 0730 AND BEING ALL OF A 5.728 ACRE TRACT OF LAND DESCRIBED IN A DEED TO JERRY S. HICKS, ET UX, RECORDED IN VOLUME 6856, PAGE 1681 OF THE REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS.

This plat of HICKS PROPERTY has been submitted to the City of San Antonio, Texas, and having been reviewed by the Director of Planning, is hereby approved in accordance with state or local laws and regulations as indicated below.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2003.

BY: \_\_\_\_\_  
Director of Planning


STATE OF TEXAS  
COUNTY OF BEXAR

This plat represents an on the ground survey made under my direction and supervision, October 27, 1998

Revised April 8, 1999 (Location of Trees)

Revised June 30, 2000 (6.999 acres Location of Improvements & Update Topography)

Revised June 5, 2002 (6.999 acres Location of Improvements and Update Topography)

  
Michael J. Harris  
Registered Professional Land Surveyor  
Registration Number 4381

BEARING SOURCE: Record as per Volume 4905, Page 574 Concrete  
Right of Way Monuments found along the Northeast line of I.H. 10

NOTE: X AND Y VALUES SHOWN HEREON ARE NAD83 COORDINATES, LAMBERT PROJECTION  
TEXAS SOUTH CENTRAL ZONE, COMBINED SCALE FACTOR = 0.999822148 AND ARE BASED  
ON TRIANGULATION STATION WITHERS (PID# AY0760) N.G.S. PUBLISHED DATA:  
X=640796.7789 METERS: Y=4168232.3478 METERS. DATA SHOWN IN FEET IS BASED  
ON THE U.S. SURVEY FOOT.

ELEVATIONS SHOWN HEREON ARE BASED ON A TX.D.O.T. BRASS CAP IN CONCRETE ON THE WEST LINE OF I.H. 10 (T.B.M. H-6) ELEV. 1414.72 FEET.

( ) Indicates record call as per various instruments cited in title block

Unplatted  
Remainder 70.352 Acres  
Volume 7983, Page 256

STATE OF TEXAS  
COUNTY OF BEXAR

I, \_\_\_\_\_ COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY  
THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATION OF AUTHENTICATION  
WAS FILED FOR RECORD IN MY OFFICE, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 2003 AT \_\_\_\_\_ M. AND DULY RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 2003 AT \_\_\_\_\_ M. IN THE RECORDS OF DEEDS AND PLATS OF SAID COUNTY  
IN BOOK VOLUME \_\_\_\_\_ ON PAGE \_\_\_\_\_  
IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 2003, \_\_\_\_\_ COUNTY, CLERK.

BY: \_\_\_\_\_ DEPUTY \_\_\_\_\_

SUBJECT: DRIVEWAY ACCESS TO OLD TOWER PROPERTY

OWNED BY: J & E HICKS OF 499 7690 OR 755-2299 (1/10)

GEORGE F. JOHNSON

P.O. BOX 290070 SAN ANTONIO 78269

03 MAY -7 PM 3:40

North

Scale 1" = 100'

8/22/96

17 June

Interstate Highway 10  
P.O. Box 10

13

1

1

10

1

2

\_\_\_\_\_

2

A

2

•

1

10

1

1

5-Byrd Enterprise, Inc.  
5728 acres  
Volume 4631 page 18  
Real Property Record of Bexar County

LSP Inc.  
70.352 acres  
Volume 7983 page 257

PAGE 03

ABRAHAM HICKS

6/12/68 60:17 6007/10/60

60:TZ 6007/TB/60



City of San Antonio  
New  
**Vested Rights Permit**  
**APPLICATION**

CITY OF SAN ANTONIO  
DEPT. OF PLANNING  
OFFICE OF DIRECTOR  
03 MAY -7 PM 3:40

Permit File: # 03-05-053  
Assigned by city staff

Date: \_\_\_\_\_

1. All applicable information on application must be legibly printed or typed for processing. If application is completed on behalf of the property owner please attach power of attorney or letter of agent.
2. Please complete this application and attach 2 maps of the property and 2 sets of all supporting documents.

**Note: All Applications must have a Site Map showing the Area Boundary (Attached).**

Owner/Agent: Earl + Brown PC for Jerry + Esther Hicks Phone: 210-222-1500 Fax: 210-222-9100

Address: 111 SOLEDAD SUITE 111, SAN ANTONIO, TX Zip code: 78205

/Surveyor: Michael J. Harris Phone: 210-494-6405 Fax: 210-494-9840

Address: P.O. Box 160609, San Antonio, TX Zip code: 78280

1. Name of Project: HICKS PROPERTY
2. Site location or address of Project: Intersection of IH10, FREDERICKSBURG ROAD AND FAIR OAKS PARKWAY
3. Council District N/A ETJ ☒ Over Edward's Aquifer Recharge? ☒ yes ( ) no

4. What is the specific purpose of this Project and the expected use(s) to be created by this Project (type of development, number of buildings, type of building(s), specific use(s) of those buildings, etc.)? Please be aware that the city must understand exactly what this Project is expected to accomplish in order to evaluate this application.

Single family residential, commercial office buildings and Publishing as set out in development plat

5. What is the date the applicant claims rights vested for this Project? October 9, 1998
6. What, if any, construction or related actions have taken place on the property since that date?  
Driveway, garage building, barn and storage, one story rock shcco building noted on development plat, installation of utilities

7. By what means does the applicant claim rights vested for this Project? *Please specify all that may be applicable.*

• **PERMIT**

Type of Permit: TXDDT DRIVEWAY FACILITIES Date of Application: \_\_\_\_\_

Permit Number: 99-003 Date issued: 9-30-98

Expiration Date: N/A - Construction Complete Acreage: Entire tract

• **MASTER DEVELOPMENT PLAN (MDP)** (Formerly POADP)\*

accepted prior to September 1, 1997 are subject to permit right conditions within 18 months from the effective date of the development rights ordinance (9/25/97) and projects submitted after September 1, 1997 are subject to 18 months for the POADP acceptance date.

Name: \_\_\_\_\_ # \_\_\_\_\_

Date accepted: \_\_\_\_\_ Expiration Date: \_\_\_\_\_ MDP Size: \_\_\_\_\_ acres

• **P.U.D. PLAN**

Name: \_\_\_\_\_ # \_\_\_\_\_

Date accepted: \_\_\_\_\_

• **Plat Application**

Plat Name: \_\_\_\_\_ Plat # \_\_\_\_\_ Acreage: \_\_\_\_\_

Date submitted: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

(Note: Plat must be approved within 18 months of application submittal date).

• **Approved Plat**

Plat Name: \_\_\_\_\_ Plat # \_\_\_\_\_ Acreage: \_\_\_\_\_ Approval

Date: \_\_\_\_\_ Plat recording Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_ Vol./Pg. \_\_\_\_\_

(Note: If plat is not recorded within 3 years of plat approval permit rights will expire).

• **Other**

OPS Electric and GAS Right-of-way granted by Hicks on June 23, 2000; BEXAR County  
Application for Private Sewer Facility

**NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §37.02 and §37.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.**

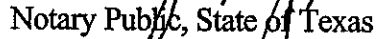
I hereby certify that all information this Application and the attached documents is true and correct and that it is my belief the property owner is entitled to Vested Rights for this Project.

Print name: Habib H. Erkkan, JR Signature: [Signature] Date: 5-6-03

**Permit File #**

03-05-053

Sworn to and subscribed before me by HABIB A. EKAM, JR. on this 7th day of MAY in the year 2003, to certify which witness my hand and seal of office.

**Permit File: #** \_\_\_\_\_

**Date:** \_\_\_\_\_

~~Approved~~

As of  
10/9/98

0 **Disapproved**

Review By: [Signature] Date: 5-16-03

~~Assistant City Attorney~~

**Comments:** \_\_\_\_\_

CITY OF SAN ANTONIO  
DEPT. OF PLANNING  
OFFICE OF DIRECTOR  
03 MAY -7 PM 3



Form 1058 (Rev. 12-96)  
Previous versions are obsolete.

## Permit to Construct Access Driveway Facilities on Highway Right-of-Way

To: Jerry Hicks Hwy. IH 10 Permit No. 99-003  
P.O. Box 690070 Control 72 Section 07  
San Antonio Tx. 78269

The Texas Department of Transportation, hereinafter called the State, hereby authorizes Jerry Hicks hereinafter called the Grantee, to (re) construct an access driveway on the highway right-of-way abutting highway no. IH 10 in Bexar County, located On east R.O.W. between Fair Oaks Pkwy and Old Fred. Road

Subject to the following:

1. The Grantee is responsible for all costs associated with the construction of this access driveway.
2. Design of facilities shall be as follows and/or as shown on sketch:  
One 60' commercial entrance. See Attached.

All construction and materials shall be subject to inspection and approved by the State.

3. Maintenance of facilities constructed hereunder shall be the responsibility of the Grantee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with approval of the State.
4. The Grantee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
5. Except for regulatory and guide signs at county roads and city streets, the Grantee shall not erect any sign on or extending over any portion of the highway right-of-way, and vehicle service fixtures such as service pumps, vendor stands, or tanks shall be located at least 3.6 meters (12 feet) from the right-of-way line to ensure that any vehicle services from these fixtures will be off the highway.
6. This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
7. The Grantee will contact the State's representative Paul W. (Butch) Jungmann telephone. ( 830 ) 816-2430, at least twenty-four (24) hours prior to beginning the work authorized by this permit.

4-5-99 Needs 2" of pavement & 6" curb - Ch 2  
6-20-99 " " " " " Ch 2

Texas Department of Transportation

9-30-98

Date of Issuance

Butch Jungmann  
 TMS V

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction of an access driveway on the highway right-of-way.

Date: 10/9/98

Signed: Jerry Hicks  
 (Property owner or owner's representative)



May 7, 2003

Mr. Michael Herrera  
Development & Business Services Center  
City of San Antonio  
1901 S. Alamo, 2<sup>nd</sup> Floor  
San Antonio, TX 78204

Via Hand-Delivery

CITY OF SAN ANTONIO  
DEPT. OF PLANNING  
OFFICE OF DIRECTOR  
03 MAY - 7 PM 3:40

Mr. Tom Shute  
Assistant City Attorney  
Office of the City Attorney  
City of San Antonio  
100 Military Plaza, 3<sup>rd</sup> Floor  
San Antonio, TX 78205

Via Hand-Delivery

Re: Vested Rights Permit Application for Hicks Property (a 17.972 acre tract)

Dear Messrs.:

On behalf of our client, Mr. & Mrs. Jerry S. Hicks, please accept this application for recognition of vested rights for a 17.972 acre tract of land located in north Bexar County at the intersection of Fredericksburg Road, IH 10 and Fair Oaks Parkway.

This request is made pursuant to the provisions of the City of San Antonio's Unified Development Code Chapter 35, Article 7, Division 2, entitled ("Vested Rights"). Pursuant to Section 35-111(b)(2) and applicable provisions of Texas Local Government Code Chapter 245, the undersigned is submitting a Texas Department of Transportation permit to construct access driveway facilities on highway right-of-way (specifically IH10 frontage road) that was issued on September 30, 1998 as the initial permit for this project.

The Texas Department of Transportation is a department of the State of Texas that, inter alia, is the regulatory agency responsible for the granting or denial of permission to properties abutting roads within the State Highway System for ingress and egress to such roads. Due to the fact that this property's only public access is by way of the IH10 frontage road securing the aforementioned permit was a necessary prerequisite to the development of this project. Consequently, the Texas Department of Transportation permit to construct access driveway facilities on IH10 right-of-way is a permit pursuant to Texas Local Government Code Chapter 245.

The project is the development of the 17.972 acres as set out in the attached Development Plat. This project includes the construction of single-family residential structures, the construction of office building structures, and the construction of a commercial building suitable for publishing books, periodicals and newspapers, and such ancillary uses thereto such as motor vehicle storage garage, barns and storage buildings.



Mr. Michael Herrera  
Mr. Tom Shute  
May 7, 2003  
Page 2

As previously noted, the subject permit was issued on September 30, 1998, and provides that such permit "will become null and void if the above referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit." It should be noted that the driveway facilities were timely constructed, inspected, and approved by Texas Department of Transportation and are currently utilized for ingress and egress to the property. Moreover, in furtherance of developing this project, our client has filed an application with the Bexar County Department of Public Works for a private Sewer Facility License and has conveyed to City Public Service an electric line right-of-way easement

Each of these documents individually and collectively demonstrate that since the Fall of 1998, our clients have earnestly, legitimately and continuously pursued development of this project. Therefore, I am requesting that the City of San Antonio recognize the Texas Department of Transportation Drive Facility Permit, issued September 30, 1998, as the first permit in a series of permits necessary for the development of this project and issuing a permit acknowledging the vesting of our clients project with the right to develop under the rules or regulations that were in effect as of October 9, 1998. Simultaneously with the submittal of this Vested Rights Permit Application, the undersigned shall be submitting a Development Plat with the City of San Antonio's Development Services Department.

Included with this letter is a check in the amount of \$16.00 to cover the costs of processing the application and duplicates of the following documents:

1. Vested Rights Permit Application;
2. TXDOT Permit to Construction Access Driveway Facilities on Highway Right-of-Way issued September 30, 1998;
3. Bexar County Department of Public Works Application for Private Sewer and Facility License;
4. City Public Service Electric Line Right-of-Way Agreements executed on March 2, 1999 and August 7, 2000;
5. Two (2) copies of Development Plat of Hicks property.

If you have any questions regarding this matter, please do not hesitate to contact our office.

Sincerely,  
EARL & BROWN, P.C.

By: 

Habib H. Erkan, Jr.



DELUXE - TV



Bank One, NA  
Dallas, Texas 75201  
www.bankone.com

**EARL & BROWN P.C.**  
**A PROFESSIONAL CORPORATION**  
111 SOLEDAD, SUITE 1111 210-222-1500  
SAN ANTONIO, TX 78205

2627

32-6153  
1110

DATE May 17, 03

PAY TO THE ORDER OF City of San Antonio

\$ 1607.00  
DOLLARS

One hundred sixty dollars and 00/100  
zero's & 100th parts

03-05-053

THIS CHECK IS DELIVERED FOR PAYMENT ON THE ACCOUNTS LISTED

⑆002627⑆ ⑆111000614⑆ 1566699680⑆